

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Atty. Docket No. AXM-6666

As a below inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR REPLACING A DAMAGED SPINAL DISC**, the specification of which:

(check one) ☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

☐ was filed on \_\_\_\_\_ as International Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
by ☐ Preliminary Amendment ☐ Article 19; ☐ Article 34 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 or §365 of any foreign application(s) for patent or inventor's certificate or §365 of any PCT international application(s) designating at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate, or §365 any PCT international application(s) having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s):

Priority Claimed  
☐ Yes ☐ No

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Application Serial No.) (Filing Date) (Status-patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.) (Filing Date) (Status-patented, pending, abandoned)

Power of Attorney: As a named inventor, I hereby appoint the following attorneys: Thomas L. Tarolli, Reg. No. 20,177; Robert B. Sundheim, Reg. No. 20,127; Calvin G. Covell, Reg. No. 24,042; Barry L. Tummino, Reg. No. 29,709; James L. Tarolli, Reg. No. 36,029; and Richard S. Wesorick, Reg. No. 40,871, each with full powers of substitution and revocation to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

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DIRECT TELEPHONE CALLS TO:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Full name of sole or first inventor **Edward C. Benzel**

Inventor's signature \_\_\_\_\_  
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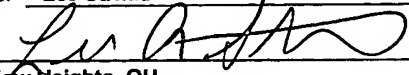
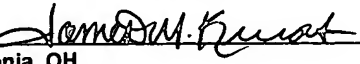
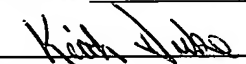
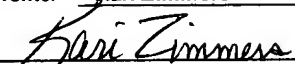
Date **12/2/03**  
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County **Cuyahoga**

2) Full name of second inventor **Isador H. Lieberman**

Inventor's signature \_\_\_\_\_  
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Date **12/2/03**  
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- 5) Full name of fifth inventor Raymond S. Ross  
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- 6) Full name of sixth inventor Charles F. Birchall, Jr.  
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- 7) Full name of seventh inventor Keith Duke  
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- 8) Full name of eighth inventor Kari Zimmers  
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